

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. _____

Richard Crosson,

Plaintiff

vs.

Diana E. Pearson,

Defendant

*
*
*
*
*
*
*
*

COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for actual and/or statutory damages brought by Plaintiff, Richard Crosson, an individual consumer, against Diana E. Pearson, for violations of the Fair Debt Collection Practices Act, 15 U.S.C. Section 1692 et seq. (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. Section 1692k (d) and 28 U.S.C. Section 1337. Declaratory relief is available pursuant to 28 U.S.C. Sections 2201 and 2002. Venue in this District is proper in that the Defendant transacts business here. The conduct complained of arises out of a debt for services rendered to the Plaintiff in Massachusetts.

III. PARTIES

3. Plaintiff, Richard Crosson, is a resident of 52 Brant's Way, Swansea, Massachusetts 02777.
4. Defendant, Diana E. Pearson maintains a usual place of business at 1050 Main Street, #2, East Greenwich, Rhode Island, 02818 and is engaged in the business of collecting debt in this state. A principal purpose of Defendant is the collection of debts and Defendant regularly attempts to collect debts alleged to be due another. The Defendant is an attorney.

IV. FACTUAL ALLEGATIONS

5. The Defendant, on behalf of Seascope filed suit against Richard Crosson. The suit was an attempt to collect a consumer debt. The lawsuit was filed in the Kent County Rhode Island District Court, Docket No. 3SC2015-1027. The small claims lawsuit was filed on or about July 8, 2015.
6. At all times relevant, the Plaintiff was a resident of Massachusetts and never resided in Rhode Island in the cities and town in the venue of the Kent County District Court.

V. CLAIMS FOR RELIEF

COUNT I

7. Plaintiff repeats and realleges and incorporates by reference paragraphs 1 through 6.
8. The Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:
 - a. The Defendants violated 15 USC Section 1692(i)(a)(2) by filing the Kent County lawsuit in a judicial district or similar legal entity other than where the consumer signed the contract sued upon or where the consumer resided.
9. As a result of the foregoing violations of the FDCPA, the Defendant is liable to the Plaintiff, Richard Crosson, for declaratory judgment that Defendant's conduct

violated the FDCPA, actual damages, statutory damages, and costs and attorney's fees.

COUNT II

10. The Plaintiff repeats his allegations contained in paragraphs 1 through 9.
11. Prior to the filing of the lawsuit described in paragraph 5, the Defendant on or about May 6, 2015, sent the Plaintiff a letter, a copy of which is attached hereto as Exhibit "A".
12. The letter provided in part "...we may reinstate legal action against you...".
13. At the time of the mailing of the May 6, 2015 letter no legal action was pending and thus no legal action could be reinstated as alleged in the letter.
14. The Defendant's May 6, 2015 letter violates the Fair Debt Collection Practices Act as follows:
 - a. The letter violated Section 1692(e) (9) and (13).
 - b. The letter also violated the first sentence of Section 1692(e) in that the implied representation that a legal action was going to be reinstated when no legal action existed was false.

Wherefore, Plaintiff, Richard Crosson, respectfully requests that judgment be entered against the Defendant, Diana E. Pearson, for the following:

1. Declaratory judgment that Defendant's conduct violated the FDCPA;
2. Actual damages;
3. Statutory damages pursuant to U.S.C. Section 1692k;
4. Costs and reasonable attorney's fees pursuant to 15 U.S.C. Section 1692k; and
5. For such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Please take notice that Plaintiff, Richard Crosson, demands trial by jury in this action.

Richard Crosson
By his Attorney,

Dated: May 4, 2016

/s/ Roger Stanford
Roger Stanford, Esq.
STANFORD & SCHALL
100 Eighth Street
New Bedford, MA 02740
(508) 994-3393
BBO#: 476600

Exhibit "A"

Diana E. Pearson

Attorney-at-Law

P.O. Box 178, East Greenwich, RI 02818

401-886-1114 Fax: 401-886-1118

E-mail: diana@dpearsonlaw.com

May 06, 2015

Richard Crosson
52 Bryant's Way
Swansea, MA 02777

Re: SeaScape
Account #1254
Amount due: \$741.66

This is a reminder that you still have a balance on the above referenced matter.

If you do not remit a payment within 10 days, we may reinstate legal action against you. If judgment has already been obtained, this may include attachment of assets or being served by a state constable with a citation date.

Please contact our office for payment arrangements or remit payment to **Diana E. Pearson**,
P.O. Box 178, East Greenwich, RI 02818

Sincerely,



Diana E. Pearson

DEP/as

This Communication is from a debt collector, this is an attempt to collect a debt and any information obtained will be used for that purpose.

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

DISTRICT COURT**SMALL CLAIMS NOTICE OF SUIT - COMPLAINT**

Plaintiff SeaScape	Civil Action File Number: 3SC2015-
	Attorney for the Plaintiff Diana E Pearson
	Address of the Plaintiff's Attorney or the Plaintiff Po Box 178 East Greenwich, RI 02818
Defendant Richard A Crosson	Address of the Defendant 52 Bryant's Way Swansea, MA 02777

<input type="checkbox"/> Murray Judicial Complex 2nd Division District Court 45 Washington Square Newport, Rhode Island 02840-2913 (401) 841-8350	<input checked="" type="checkbox"/> Noel Judicial Complex 3rd Division District Court 222 Quaker Lane Warwick, Rhode Island 02886-0107 (401) 822-6750
<input type="checkbox"/> McGrath Judicial Complex 4th Division District Court 4800 Tower Hill Road Wakefield, Rhode Island 02879-2239 (401) 782-4131	<input type="checkbox"/> Garrahy Judicial Complex 6th Division District Court One Dorrance Plaza Providence, Rhode Island 02903-2719 (401) 458-5400

The Plaintiff(s) claims that the Defendant(s) owes \$ 741.66 plus the cost of suit for the following reasons:

book account. <div style="position: absolute; top: 50px; left: 400px; font-size: 40px; opacity: 0.5;">COPY</div>
--